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FRANK R. PERILLO  
AGILENT TECHNOLOGIES, INC.  
INTELLECTUAL PROPERTY ADMINISTRATION, LEGAL DEPT.  
P.O. BOX 7599  
M/S DL429  
LOVELAND CO 80537-0599

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In re Application of  
KIRKLAND et al.  
Application No. 10/694,918  
Filed: October 28, 2003  
Attorney Docket No. 11047.03

**OFFICE OF PETITIONS  
DECISION  
ON PETITION**

This is a decision on a renewed petition under 37 CFR 1.137(b), filed November 9, 2005, to revive the above-identified application.


The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed May 17, 2004, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 18, 2004.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a Response and Amendment Under 37 CFR 1.111, a properly executed terminal disclaimer, and its requisite fee; (2) the petition fee of \$1500; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final action of May 17, 2004 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4787.

The application matter is being forwarded to Group Art Unit 1754 for further processing.

  
Denise Pothier  
Petitions Examiner  
Office of Petitions